

TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING ON JUNE 20, 2011

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, June 20, 2011, Mayor Rick Pilgrim presiding. The meeting was held at No. 2 Middlefield Road, Columbine Valley, Colorado.

A quorum was declared present at 7:05 p.m.

PRESENT	Mayor	Rick Pilgrim
	Trustees	Merle McKittrick
		John Giese
		Gary Guilford
		Elizabeth Tulloch
		Carrie McLaughlin-arrived late
		Rick Wilkins
	Attorney	Hugh Gottschalk
	Clerk/Treasurer	Karen Reutzel
	Police Chief	Bret Cottrell
	Public	Mark Goldberg and Dit Goldberg, Mike McLaughlin
	Others	Mark Petrovich, Republic Services

Mayor Pilgrim led the group in the Pledge of Allegiance. The April Minutes and Treasurer's Report were approved. McLaughlin/Giese/Unanimous (McLaughlin absent).

Public Comment Mark and Dit Goldberg attended the meeting and expressed their concerns about enforcement of Town ordinances and the proposal to allow the keeping of chickens in Town (currently tabled by the Board pending any amendment to the BMOI covenants). They stated their concern that residents who have chickens knowingly violated an ordinance and are now being allowed to seek to change the ordinance after the fact, when they should have gone through the process of changing the ordinance before obtaining them. In addition, they stated that the Town ordinances should not be changed to permit the keeping of chickens because chickens may smell and attract additional predators to Town.

Commissioner Reports

Public Safety Commissioner Gary Guilford and Police Chief Bret Cottrell reported that there were 88 summons issued in May, including 40 in Bow Mar and 5 arrests. The month was pretty quiet overall. The police dealt with a couple of overly aggressive solicitors and a suspicious person walking through Town among other matters. A resident wrote a thank you note to the police who had notified the resident about an

open garage door. The police are once again providing security at the Beach this summer. They hope the quiet summer season thus far continues.

Finance Commissioner John Giese reported that the Town's total assets to date are higher this year compared to last (\$245,608 versus \$234,155) but explained that simply reflects that property taxes have been collected earlier this year rather than an actual revenue increase. The financial statements have been reformatted to more accurately portray the Town's financial position and include a graphic depiction of revenue and expenses. This new format separates out non-recurring revenues such as building permits. The May financial statements were approved by the Board. Guilford/Tulloch/Unanimous (McLaughlin absent).

Commissioner Carrie McLaughlin arrived at the meeting.

Building Commissioner Elizabeth Tulloch reported that there were no new large building projects in May but several small projects were started. She continues to look for a class for the Town Building Inspector to take to assist the Town in bringing its building code up to date. There are two openings on the ACC. Commissioner Tulloch also reported she plans to work on an improved variance ordinance.

Parks & Recreation Commissioner Carrie McLaughlin explained that several breakdowns in the Town's irrigation system required repairs during May. Weed spraying was completed at Mary's Meadow and Town entrances. The Town open spaces have been mowed twice already due to all the rain. She continues to work on the re-landscaping project at the far west end of Bow Mar Drive. Some of the dirt from the new home project in Town may be used for the re-landscaping project. Commissioner McLaughlin reported that she is looking for a reasonable replacement for the Berry entrance sign. She has considered auctioning off the old sign.

Public Works Commissioner Merle McKittrick reported that all potholes have been repaired except for one major one that was missed – the paving company will be back to finalize the job. There is a bent sign near the Beach that will be repaired.

Intergovernmental Commissioner Rick Wilkins reported that the DRCOG meeting was cancelled this month and that Bike to Work Day is coming up.

Public Hearing on Variance Request Commissioner Elizabeth Tulloch presented for second reading and a vote of the Board a variance request to allow an 8-foot encroachment into the front setback for a proposed two-car garage addition at 5161 Lakeshore Drive (McLaughlin residence). It was noted that the impact of the encroachment will be reduced because the garage openings will face the side yard, and the garage structure will be shielded by landscaping. Owner Carrie McLaughlin stated that they had homeowners explored other alternatives but all required a variance in order to build a two car garage given the configuration of the lot and existing home. The addition will also result in a more uniform treatment of the house with new stucco over all. The ACC recommended approval of the variance request. The only neighbor directly affected (Mary Lou Flater) signed off on the project. Owner Mike McLaughlin

said there is a hardship as to what you can do when you are adding on to an existing house as opposed to a new residence. No other members of the public attended the meeting to comment. A roll call vote was held and the Board unanimously approved the request, Commissioner McLaughlin abstaining.

Giese – Yes
Guilford – Yes
McKittrick – Yes

Tulloch - Yes
Wilkins - Yes

Clerk Comments Town Clerk Karen Reutzel reported that the audit of the Town's 2010 financial statements is nearly completed. She reported that she had followed up with the Arapahoe Library District regarding the concerns expressed to the Board by an Arapahoe County resident at the May meeting about library usage. After hearing the ALD's position statement on the situation the Board determined to take no further action. At the Trustees' request, Town Clerk Reutzel has scheduled an all-Town meeting to discuss the Long Range Road Plan at St. James Presbyterian Church on July 6 at 7 p.m. The next regular Trustee's meeting will be held July 18, 2011.

Attorney Comments Town Attorney Hugh Gottschalk reported that he was contacted by a Bow Mar resident regarding the possible acquisition of the King Property. There was discussion regarding the range of possible ways to finance a purchase of the property for open space and recreational purposes. The Board determined that Town Attorney Gottschalk and Mayor Pilgrim should revisit whether there are feasible alternatives to the proposed residential development of the property.

Mayor's Report Mayor Pilgrim – no report.

BMOI Report None - BMOI President Jane Carlson was out of town

Old Business

King Property Development Update -

Commissioner McKittrick reported that he had attended a meeting with the Town Engineer Vision Land Consultants and the developer's representative Jim Vasbinder regarding the King Property preliminary plat application. The developer discussed an alternative scenario to satisfy the escrow requirement for maintenance of a walking path for the proposed development. This would involve an open space land swap to satisfy the 25% requirement for open space. They would offer to build and maintain the walking path in exchange for escrowing \$85,000 for future maintenance of the path by the Town. They also need a small piece of land from BMOI to connect the path. They also discussed the need for a height variance for one of the lots to provide appropriate drainage and comply with the requirement of zero discharge from the King lots to Bow Mar Lake.

Long Range Road Plan Update -

Commissioner McKittrick presented the final report prepared by Town Engineer Vision Land Consultants regarding the Town's roads. The report rates the various roads based on condition and sets forth three alternatives for future road repair and maintenance: Alternative 1 – at \$4.8 million for a 20-year roadway; Alternative 2, a mid-range option for 10-20 year roadway life, at \$3.2 million; and Alternative 3 at \$2.8 million or a 10-15 roadway life. Commissioner McKittrick reported that he has had outside people look at the proposed pricing and it is within the expected range, with a 15% contingency. It was discussed that the Town has two options: one option is to ask for bonding authority and address the road issues as quickly as possible, with a construction program that would take about a year. After that, the Town would be caught up with major reconstruction and then could keep up to date with an on-going maintenance program. The downside is that the Town would spend roughly twice the cost over the life of the bond for the actual work plus the interest costs. Alternatively, the Town could do a pay-as-you-go program over a period of years – annual expenditures would be \$315,000 to \$440,000 per year depending on the Alternative selected. Taxes could be increased for a specific number of years to complete the project. The Board discussed the deadlines that would have to be met if it decides to put a bond issue proposal on the November ballot. There is a July 22 deadline to notify Arapahoe and Jefferson County that the Town intends to participate in a coordinated election. Mr. McKittrick reported that a public meeting will be held to obtain resident input about the road project and financing options on July 6 at 7 pm at St. James Presbyterian Church. The Road Report will be put on the website.

Discussion and Possible Action to Approve Proposed Allied Waste Franchise Agreement

Mark Petrovich from Republic Services/Allied Waste attended the meeting to discuss the proposed contract for trash collection and answer the Board's questions. He noted that the company has provided services to Bow Mar for many years, but over the years the former contract with the Town had become obsolete resulting in Bow Mar residents not receiving uniform pricing from them. The proposed contract will put all residents in a contract group which will provide uniform pricing and better customer service. Although the contract will provide many of the benefits of a franchise agreement or municipal contract, each residence will be billed individually. The new pricing will be substantially lower than what residents currently pay. There will be a cap on annual rate adjustments based on the CPI, and there will be no fuel or environmental fees added. A nominal quarterly fee will be added for individual billing or subscribing to on-line bill pay will eliminate the fee. Mr. Petrovich also explained that residents who have prepaid for the quarter will be eligible for credits once the contract is finalized. Republic/Allied will be sending a mailing to all residents explaining the new program once the final contract is in place. The Board questioned Mr. Petrovich about additional details of the contract.

The Board adjourned into Executive Session to discuss the terms of the proposed Republic/Allied contract and to seek the advice of counsel with Town Attorney Gottschalk. Upon the termination of the executive session, the regular meeting was

reconvened by Mayor Pilgrim. No action was taken by the Board during the executive session.

Discussion and Possible Action to Approve Proposed IGA with City of Sheridan Regarding Animal Control Services.

Town Attorney Gottschalk presented the draft of an Inter-Governmental Agreement (IGA) with the City of Sheridan regarding animal control services. It is essentially the same as the agreement Columbine Valley entered into with Sheridan. Mayor Pilgrim reported that he had discussed the issue with the Mayor of Sheridan and they jointly agreed it made sense to combine services when possible to take advantage of economies of scale. The Board moved unanimously to approve the IGA.
Guilford/Wilkins/Unanimous.

New Business – None

Adjournment There being no further business the meeting was adjourned at 9:55 p.m. Giese/McLaughlin//Unanimous. The next Regular Meeting is scheduled for July 18, 2011 at No. 2 Middlefield Road, Columbine Valley, CO. The meeting will begin at 7:00 p.m.



Richard D. Pilgrim, Mayor



Karen V. Reutzel, Town Clerk and Treasurer